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EXAMINER

WON, MICHAEL YOUNG

ART UNIT

PAPER NUMBER

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/765,576

Applicant(s)

COULOMBE ET AL.

Examiner

Michael Y. Won

Art Unit

2155

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 16 November 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-42 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-42 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date: \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. This action is in response to the amendment filed November 16, 2007.
2. Claims 1-9 and 11-20 have been amended and new claims 21-42 have been added.
3. Claims 1-42 have been examined and are pending with this action.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 27, 30, 33, 36-38, and 41-42 are rejected under 35 U.S.C. 102(e) as being anticipated by Christopoulos et al. (US 6,961,754).

### **INDEPENDENT:**

As per **claim 27**, Christopoulos teaches an apparatus for transmitting a message, the apparatus comprising a processor configured to:

determine media characteristics for a media component of the message (see col.10, lines 43-51: "invokes the TSS to adapt the image according to the user preference and the terminal and/or network capabilities associated with U<sub>A</sub> and U<sub>B</sub>..."); and

provide the media characteristics in the message (see col.4, lines 8-12: "terminal capabilities is either provided to the external device").

As per **claim 30**, Christopoulos teaches a method for transmitting a message, the method comprising:

determining media characteristics for a media component of the message (see col.10, lines 43-51: "invokes the TSS to adapt the image according to the user preference and the terminal and/or network capabilities associated with U<sub>A</sub> and U<sub>B</sub>..."); and

providing the media characteristics in the message (see col.4, lines 8-12: "terminal capabilities is either provided to the external device").

As per **claim 33**, Christopoulos teaches an apparatus for processing a message, the apparatus comprising a processor configured to:

receive media characteristics of a media component of the message in a field of the message (see col.4, lines 8-12: "terminal capabilities is either provided to the external device"); and

determine whether the message should be transcoded based at least in part on the received media characteristics and on actual or assumed multimedia capabilities of a receiving terminal (see col.10, lines 43-51: "invokes the TSS to adapt the image

according to the user preference and the terminal and/or network capabilities associated with  $U_A$  and  $U_B...$ ”).

As per **claim 38**, Christopoulos teaches a method for processing a message, the method comprising:

receiving media characteristics of a media component of the message in a field of the message (see col.4, lines 8-12: “terminal capabilities is either provided to the external device”); and

determining whether the message should be transcoded based at least in part on the received media characteristics and on actual or assumed multimedia capabilities of a receiving terminal (see col.10, lines 43-51: “invokes the TSS to adapt the image according to the user preference and the terminal and/or network capabilities associated with  $U_A$  and  $U_B...$ ”).

**DEPENDENT:**

As per **claims 36 and 41**, which respectively depend on claims 33 and 38, further teaches wherein the processor is further configured to: determine media components of the message which need transcoding based at least on the respective received media characteristics (see col.10, lines 43-51: “invokes the TSS to adapt the image according to the user preference and the terminal and/or network capabilities associated with  $U_A$  and  $U_B...$ ”); and transmit at least a part of the message to a transcoding server (see Fig.6).

As per **claims 37 and 42**, which respectively depend on claims 33 and 38, further teaches wherein the processor is further configured to: transcode a media component of the message based at least on the actual or assumed multimedia capabilities of the receiving terminal (see col.10, lines 47-51).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-7, 10-20, 21, and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Christopoulos et al. (US 6,961,754) in view of Trossen et al. (US 2004/0111476).

**INDEPENDENT:**

As per **claim 1**, Christopoulos teaches a method by which a multimedia message is transcoded en route from a sending terminal via a messaging server to a receiving terminal, the method comprising:

a user agent inserting, into the message, media characteristics of the message sufficient in detail (see col.4, lines 8-12: "terminal capabilities is either provided to the external device") to enable determining whether the message should be transcoded to

accommodate multimedia capabilities of the receiving terminal (see col.7, lines 15-34:

"intelligently and automatically adapt... as a function of..."); and

the messaging server reading the media characteristics and deciding whether the message should be transcoded based only on the inserted media characteristics and on actual or assumed multimedia capabilities of the receiving terminal (see col.10, lines 43-51: "invokes the TSS to adapt the image according to the user preference and the terminal and/or network capabilities associated with  $U_A$  and  $U_B$ ...").

Christopoulos does not explicitly teach that the media characteristics are inserted from the user agent of the sending terminal.

Trossen teach that the media characteristics are inserted from the user agent of the sending terminal (see page 6, [0040]: "By specifying one or more sending entity rules... such that the media content is transcoded...").

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the system of Christopoulos in view of Trossen so that media characteristics are inserted from the user agent of the sending terminal. One would be motivated to do so because Trossen teaches this allows sending media content to a recipient in a more cost effective manner (see Trossen: page 6, [0040]).

As per **claim 11**, Christopoulos teaches a terminal comprising a processor configured to:

determine media characteristics of a message sufficient in detail to enable a messaging terminal to determine whether the message should be transcoded based only on actual or assumed multimedia capabilities of a receiving terminal and the

inserted media characteristics (see col.10, lines 43-51: "invokes the TSS to adapt the image according to the user preference and the terminal and/or network capabilities associated with U<sub>A</sub> and U<sub>B</sub>..."); and

insert the media characteristics into the message (see col.4, lines 8-12: "terminal capabilities is either provided to the external device").

Christopoulos does not explicitly teach that the media characteristics are inserted from the sending terminal.

Trossen teach that the media characteristics are inserted from the sending terminal (see page 6, [0040]: "By specifying one or more sending entity rules... such that the media content is transcoded...").

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the system of Christopoulos in view of Trossen so that media characteristics are inserted from the sending terminal. One would be motivated to do so because Trossen teaches this allows sending media content to a recipient in a more cost effective manner (see Trossen: page 6, [0040]).

As per **claim 12**, Christopoulos teaches a messaging server comprising a processor configured to:

obtain media characteristics (see col.4, lines 8-12: "terminal capabilities is either provided to the external device"); and

decide whether the message should be transcoded based only on comparing the media characteristics with actual or assumed multimedia capabilities of the receiving terminal (see col.10, lines 43-51: "invokes the TSS to adapt the image according to the

user preference and the terminal and/or network capabilities associated with U<sub>A</sub> and U<sub>B</sub>...").

Christopoulos does not explicitly teach that the media characteristics are inserted into a message intended for a receiving terminal.

Trossen teach that the media characteristics are inserted into a message intended for a receiving terminal (see page 6, [0040]: "By specifying one or more sending entity rules... such that the media content is transcoded...").

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the system of Christopoulos in view of Trossen so that media characteristics are inserted into a message intended for a receiving terminal. One would be motivated to do so because Trossen teaches this allows sending media content to a recipient in a more cost effective manner (see Trossen: page 6, [0040]).

As per **claim 13**, Christopoulos teaches a system, comprising a terminal and a messaging server wherein:

the terminal is configured to insert, into a message, media characteristics of the message sufficient in detail (see col.4, lines 8-12: "terminal capabilities is either provided to the external device") to enable determining whether the message should be transcoded to accommodate multimedia capabilities of the receiving terminal (see col.7, lines 15-34: "intelligently and automatically adapt... as a function of..."); and

the messaging server is configured to read the media characteristics and decide whether the message should be transcoded based only on the media characteristics and on actual or assumed multimedia capabilities of the receiving terminal (see col.10,

lines 43-51: "invokes the TSS to adapt the image according to the user preference and the terminal and/or network capabilities associated with  $U_A$  and  $U_B$ ...").

Christopoulos does not explicitly teach that the media characteristics are inserted from a sending terminal.

Trossen teach that the media characteristics are inserted from a sending terminal (see page 6, [0040]: "By specifying one or more sending entity rules... such that the media content is transcoded...").

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the system of Christopoulos in view of Trossen so that media characteristics are inserted from a sending terminal. One would be motivated to do so because Trossen teaches this allows sending media content to a recipient in a more cost effective manner (see Trossen: page 6, [0040]).

As per **claim 21**, teaches a method for use by a terminal comprising:

determining media characteristics for media components of a message intended for a receiving terminal, wherein the media characteristics are sufficient in detail to enable determining whether the message should be transcoded to accommodate multimedia capabilities of the receiving terminal (see col.10, lines 43-51: "invokes the TSS to adapt the image according to the user preference and the terminal and/or network capabilities associated with  $U_A$  and  $U_B$ ..."); and

inserting the media characteristics into the message (see col.4, lines 8-12: "terminal capabilities is either provided to the external device").

Christopoulos does not explicitly teach that the media characteristics are inserted from the sending terminal.

Trossen teach that the media characteristics are inserted from the sending terminal (see page 6, [0040]: "By specifying one or more sending entity rules... such that the media content is transcoded...").

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the system of Christopoulos in view of Trossen so that media characteristics are inserted from the sending terminal. One would be motivated to do so because Trossen teaches this allows sending media content to a recipient in a more cost effective manner (see Trossen: page 6, [0040]).

As per **claim 24**, teaches a method for use by a messaging server comprising:  
obtaining media characteristics (see col.4, lines 8-12: "terminal capabilities is either provided to the external device"); and

deciding whether the message should be transcoded based only on the inserted media characteristics and on actual or assumed multimedia capabilities of the receiving terminal (see col.10, lines 43-51: "invokes the TSS to adapt the image according to the user preference and the terminal and/or network capabilities associated with  $U_A$  and  $U_B$ ...").

Christopoulos does not explicitly teach that the media characteristics are inserted into a message intended for a receiving terminal.

Trossen teach that the media characteristics are inserted into a message intended for a receiving terminal (see page 6, [0040]: "By specifying one or more sending entity rules... such that the media content is transcoded...).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the system of Christopoulos in view of Trossen so that media characteristics are inserted into a message intended for a receiving terminal. One would be motivated to do so because Trossen teaches this allows sending media content to a recipient in a more cost effective manner (see Trossen: page 6, [0040]).

DEPENDENT:

As per **claim 2**, which depends on claim 1, Christopoulos further teaches wherein the messaging server sends the message to a transcoding server if transcoding is needed, and the transcoding server uses the inserted media characteristics to itself decide if transcoding is needed (see Fig.2 and col.5, lines 9-16).

As per **claim 3**, which depends on claim 1, Christopoulos further teaches wherein the messaging server sends the message to a transcoding server if transcoding is needed, and the transcoding server uses the inserted media characteristics to itself decide which parts of the message need transcoding (see Fig.2 and col.5, lines 9-16).

As per **claim 4**, which depends on claim 1, Christopoulos further teaches wherein the messaging server determines, from the inserted media characteristics, which parts of the message need transcoding and sends the message to a transcoding server if transcoding is needed for any message part, and includes in the message an

indication of which parts of the message need transcoding (see Fig.2 and col.5, lines 9-16).

As per **claim 5**, which depends on claim 1, Christopoulos further teaches wherein the messaging server determines, from the inserted media characteristics, which parts of the message need transcoding and sends only those message parts requiring transcoding to a transcoding server (see Fig.6 and col.12, lines 40-51).

As per **claim 6**, which depends on claim 1, Christopoulos further teaches wherein the transcoding is performed based on the inserted media characteristics and the actual or assumed multimedia capabilities of the receiving terminal, without performing an analysis of the message to determine whether transcoding is needed (see col.4, lines 10-12 and col.5, lines 9-16).

As per **claim 7**, which depends on claim 6, Christopoulos further teaches wherein the transcoding is performed, the transcoding is performed without also performing even an analysis to determine which parts of the message need to be transcoded (see col.12, lines 66-67).

As per **claim 10**, which depends on claim 1, Christopoulos further teaches wherein the media characteristics include image and video resolution, or number of frames and frame rate of visual content, or sampling rate of audio content (see col.4, lines 5-8).

As per **claim 14**, which depends on claim 13, Christopoulos further teaches wherein the messaging server is further configured to transcode the message based on the inserted media characteristics and the actual or assumed multimedia capabilities of

the receiving terminal, without performing an analysis of the message to determine media characteristics of the message relevant to deciding whether transcoding is needed (see col.4, lines 10-12 and col.5, lines 9-16).

As per **claim 15**, which depends on claim 13, Christopoulos further teaches wherein the messaging server is further configured to send the message to a transcoding server if transcoding is needed, and the transcoding server is configured to use the inserted media characteristics to itself decide if transcoding is needed (see Fig.2 and col.5, lines 9-16).

As per **claim 16**, which depends on claim 13, Christopoulos further teaches wherein the messaging server is further configured to send the message to a transcoding server if transcoding is needed, and the transcoding server is configured to use the inserted media characteristics to itself decide which parts of the message need transcoding (see Fig.2 and col.5, lines 9-16).

As per **claim 17**, which depends on claim 13, Christopoulos further teaches wherein the messaging server is further configured to determine, from the inserted media characteristics, which parts of the message need transcoding and to send the message to a transcoding server if transcoding is needed for any message part, and to include in the message an indication of which parts of the message need transcoding (see Fig.2 and col.5, lines 9-16).

As per **claim 18**, which depends on claim 13, Christopoulos teaches of further comprising a transcoding engine for transcoding the message, wherein the transcoding is performed based on the inserted media characteristics and the actual or assumed

multimedia capabilities of the receiving terminal, without performing an analysis of the message to determine whether transcoding is needed (see col.12, lines 66-67).

As per **claim 19**, Christopoulos further teaches a computer program product comprising: a computer readable storage structure embodying computer program code thereon for execution by a computer processor in a sending terminal, wherein said computer program code includes instructions for performing the method of claim 21 (see col.3, lines 60-62).

As per **claim 20**, Christopoulos further teaches a computer program product comprising: a computer readable storage structure embodying computer program code thereon for execution by a computer processor in a messaging server, wherein said computer program code includes instructions for performing the method of claim 24 (see col.16, lines 35-44).

6. Claims 28-29, 31-32, 34-35, and 39-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Christopoulos et al. (US 6,961,754) in view of Hahn et al. (US 7,159,039).

As per **claims 28, 31, 34, and 39**, which respectively depend on claims 27, 30, 33 and 38, although Christopoulos further teaches wherein the message has a header portion and a body portion (inherency), and the media characteristics are provided in or received in the message (see col.4, lines 8-12: "terminal capabilities is either provided to the external device"), Christopoulos does not explicitly teach that the media characteristics are provided or received in a field in the header of the message.

Hahn teaches that the media characteristics are provided in or received in a field in the header of the message (see col.4, line 63-col.5, line 3).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the system of Christopoulos in view of Hahn so that media characteristics are provided in or received in a field in the header of the message. One would be motivated to do so because one of ordinary skill in the art would agree that such means is well known and widely employed to allow transmission to occur quickly in a single transaction without relaying multiple messages back and forth and because the location of inserting media characteristics is subjective and unpatentable.

As per **claims 29, 32, 35, and 40**, which respectively depend on claims 27, 30, 33 and 38, although Christopoulos further teaches wherein the message has a header portion and a body portion (inherency), and the media characteristics are provided in or received in the message (see col.4, lines 8-12: "terminal capabilities is either provided to the external device"), Christopoulos does not explicitly teach that the media characteristics are provided or received in a header field in the body of the message.

Hahn teaches that the media characteristics are provided or received in a header field in the body of the message (see col.4, line 63-col.5, line 3).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the system of Christopoulos in view of Hahn so that the media characteristics are provided or received in a header field in the body of the message. One would be motivated to do so because one of ordinary skill in the art

would agree that such means is well known and widely employed to allow transmission to occur quickly in a single transaction without relaying multiple messages back and forth and because the location of inserting media characteristics is subjective and unpatentable.

7. Claims 8, 9, 22-23, and 25-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Christopoulos et al. (US 6,961,754) and Trossen et al. (US 2004/0111476), and still further in view of Hahn et al. (US 7,159,039).

As per **claim 8**, which depends on claim 1, although Christopoulos further teaches wherein the user agent inserts the media characteristics (see col.12, lines 60-66), Christopoulos does not explicitly teach of inserting data into a field in the header of the message.

Hahn teaches inserting data into a field in the header of the message (see col.4, line 63-col.5, line 3).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the system of Christopoulos in view of Hahn so that media characteristics can be inserted into a field in the header of the message. One would be motivated to do so because one of ordinary skill in the art would agree that such means is well known and widely employed to allow transmission to occur quickly in a single transaction without relaying multiple messages back and forth and because the location of inserting media characteristics is subjective and unpatentable.

As per **claim 9**, which depends on claim 1, although Christopoulos further teaches wherein the user agent inserts the media characteristics (see col.12, lines 60-66), Christopoulos does not explicitly teach of inserting data into a header field in the body of the message.

Hahn teaches inserting data into a header field in the body of the message (see col.4, line 63-col.5, line 3).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the system of Christopoulos in view of Hahn so that media characteristics can be inserted into a header field in the body of the message. One would be motivated to do so because one of ordinary skill in the art would agree that such means is well known and widely employed to allow transmission to occur quickly in a single transaction without relaying multiple messages back and forth and because the location of inserting media characteristics is subjective and unpatentable.

As per **claims 22 and 25**, which respectively depend on claims 21 and 24, although Christopoulos further teaches wherein the message has a header portion and a body portion (inherency), and the media characteristics are provided in or received in the message (see col.4, lines 8-12: "terminal capabilities is either provided to the external device"), Christopoulos does not explicitly teach that the media characteristics are inserted into or obtained from a field in the header of the message.

Hahn teaches that the media characteristics are inserted into or obtained from a field in the header of the message (see col.4, line 63-col.5, line 3).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the system of Christopoulos in view of Hahn so that media characteristics are inserted into or obtained from a field in the header of the message. One would be motivated to do so because one of ordinary skill in the art would agree that such means is well known and widely employed to allow transmission to occur quickly in a single transaction without relaying multiple messages back and forth and because the location of inserting media characteristics is subjective and unpatentable.

As per **claims 23 and 26**, which respectively depend on claims 21 and 24, although Christopoulos further teaches wherein the message has a header portion and a body portion (inherency), and the media characteristics are provided in or received in the message (see col.4, lines 8-12: "terminal capabilities is either provided to the external device"), Christopoulos does not explicitly teach that the media characteristics are inserted into or obtained from a header field in the body of the message.

Hahn teaches that the media characteristics are inserted into or obtained from a header field in the body of the message (see col.4, line 63-col.5, line 3).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the system of Christopoulos in view of Hahn so that the media characteristics are inserted into or obtained from a header field in the body of the message. One would be motivated to do so because one of ordinary skill in the art would agree that such means is well known and widely employed to allow transmission to occur quickly in a single transaction without relaying multiple messages back and

forth and because the location of inserting media characteristics is subjective and unpatentable.

### ***Response to Arguments***

8. Applicant's arguments, filed November 16, 2007, with respect to the rejection(s) of claim(s) 1-7 and 10-20 under 35 U.S.C. 102(e) have been fully considered and are persuasive. For example although Christopoulos teaches the determining (whether the message should be transcoded) step is performed based on the user preferences and terminal and/or network capabilities associated with the sending and receiving terminals, and still further teaches that this user preference as well as the network and terminal capabilities is either provided to the external device, Christopoulos is lacking in teaching that this information is provided by the sending terminal or inserted into a message intended for a receiving terminal. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Trossen et al. (US 2004/0111476).

With respect to "media characteristics", Christopoulos teaching of a user preference clearly teaches this broad limitation. There is nothing in the claim language that distinguished the functionality of a media characteristics over the prior art.

### ***Conclusion***

9. For the reasons above, claims 1-42 have been rejected and remain pending.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Y. Won whose telephone number is 571-272-3993. The examiner can normally be reached on M-Th: 7AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached on 571-272-4006. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Michael Won/

/Primary Examiner/

January 14, 2008